



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,444	08/28/2003	Hiroko Mano	RCOH-1065	6735

7590 11/29/2006

KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia, PA 19103

EXAMINER

TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
----------	--------------

2167

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,444	Applicant(s) MANO ET AL.	
	Examiner Robert M. Timblin	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/24/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to application 10/650/444 filed 8/28/2003.

Claims 1-66 have been examined and are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 and 23-40 are rejected under 35 U.S.C. 101 because they are directed towards nonstatutory subject matter. Specifically:

Claim 1 describes a method of processing text data while not producing a useful, concrete, and/or tangible result. In particular, the resulting step of this claim is a determination of a specific area occurrence value. Upon determination of this value, no further steps require use of the occurrence value on which to base any results and thus a result is lacking. Claims 2-18 are rejected similarly as they depend from independent claim 1.

Claim 23 is rejected because it can be construed as embodying a software program *per se*. Software *per se* is not statutory without the use or the implied use with a computer hardware such as a computer readable medium as it is then directed towards non functional descriptive material. Software being *stored*, for example, on computer hardware (i.e. a disk) enables function of the program and therefore would become statutory.

Also, similar to claims 1-18, claim 23 fails to produce a useful, concrete, and/or tangible result. The rationale is the same as above. Claims 24-40 are rejected similarly as they depend from independent claim 23.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 11-30, 33-52, and 55-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dehlinger et al. ('Dehlinger' hereinafter) (U.S. Patent Application 2004/0006558 A1) in view of Cragun et al. ('Cragun' hereinafter) (US 2003/0055810).

With respect to claims 1, 23, and 45 Dehlinger teaches a method of processing text data, comprising the steps of:

inputting text data (abstract and [0037]);

parsing the text data into word candidates (abstract, [0037] and [0047];

removing predetermined words from the word candidates as distilling [0043]-[0046];

specifying an area of a predetermined text database as pre-selected library of texts [0052]; and

determining a specific area occurrence value (selectivity value, [0055]) based upon a first number of occurrence of each of the word candidates in the specified area in the predetermined text database in relation to at least a second number of occurrence of the word candidates in the predetermined text database as the selectivity value [0078]-[0080].

Dehlinger fails to expressly teach the limitation of specifying an area of a predetermined database.

Cragun, however, teaches this limitation as the weight criteria described in paragraphs [0034] and [0040]-[0043] for searching locations of a document.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the weight criteria of Cragun would have allowed Dehlinger's invention to better process library texts. Such a method of Cragun would provide to Dehlinger, an efficient hit list ([0010], Cragun). Such a method would further be useful to Dehlinger as their invention processes texts such as abstracts, summaries, full text, claims or head notes found in patents ([0145] of Dehlinger).

With respect to claims 2, 4, 24, 26, 46, 48, Dehlinger fails to teach 'the specified area is a header area' or 'the specified area is a summary area'

Cragun, however, teaches these limitations as the weight criterion, HEADER and SUMMARY (0013, 0040, and 0043).

With respect to claims 3, 5, 7, 8, 29, 25, 27, 30, 47, 49, 51, and 52 Dehlinger teaches 'the specific area occurrence value' in paragraphs [0078]-[0080] and figure 9.

With respect to claims 6, 28, and 50, Cragun teaches 'the specified area is a combination of a header area and a summary area' [0034].

With respect to claim 11, 33, and 55 Dehlinger teaches ‘selecting search words from the word candidates based upon the specific area occurrence value’ [0046].

‘extracting sentences from the predetermined text database based upon the selected search words’ [0045].

With respect to claims 12, 34, and 56, Dehlinger teaches ‘selecting keywords from the word candidates based upon the specific area occurrence value’ as method of [0165] and [0189].

With respect to claims 13, 35, and 57, the limitations of these claims are rejected for the same reason as those of claims 12, 34, and 56 as set forth above. Furthermore, Dehlinger teaches ‘generating a summary from the predetermined text database based upon the selected keywords’ [0146]-[0152].

With respect to claims 14, 36, and 58, Dehlinger teaches ‘selecting classification keywords from the word candidates based upon the specific area occurrence value’ as CID [0062].

‘classifying the predetermined text database based upon the selected classification keywords’ [0146]-[0151].

With respect to claims 15, 37, and 59, the limitations of these claims have been rejected for the same reasons as the preceding claims as set forth above.

Furthermore, the combination of Dehlinger teaches the claimed limitations of determining a second text database occurrence value of the word candidates in a second text database and determining a database occurrence value [0162] .

With respect to claims 16, 17, 20, 21, 38, 39, 42, 43, 60, 61, 64 and 65 the limitations of these claims have been rejected for the same reasons as the claims set forth above.

Furthermore, it would have been obvious in light of the combination of Dehlinger/Cragun to modify the 'database occurrence value equation' as to produce different outcomes.

With respect to claims 18, 22, 40, 44and 62, and 66, these claims have been rejected for the same reasons as claims 9, 10, 31, 32, and 53, and 54 as set forth above.

With respect to claims 19, 41, and 63, the limitations of these claims are similar to that of claims 1, 23, and 45 as set forth above. Therefore, these claims are rejected for the same reasons as the above claims. Furthermore, the combination of Dehlinger/Cragun teach the claimed limitations of determining a first text database occurrence value based upon a first number of occurrence of the word candidates in a specified area of a first text database in relation to at least a second number of occurrence of the word candidates in the first text database as seen in claim 1;

determining a second text database occurrence value based upon a third number of occurrence of the word candidates in the specified area of a second text database in relation to at least a fourth number of occurrence of the word candidates in the second text database [0162];

determining a database occurrence value based upon the first text database occurrence value and the second text database occurrence value in a predetermined manner in paragraph [0162], and step 140, and figure 9;

selecting search words from the word candidates based upon in part the database occurrence value [0163]; and

extracting sentences from a predetermined text database based upon the selected search words [0176].

Claim Rejections - 35 USC § 103

Claims 9, 10 31, 32, and 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dehlinger and Cragun as applied to claims 1-8, 11-30, 33-52, and 55-66 above in view of Driscoll (U.S. Patent 5,642,502).

With respect to claims 9, 10 31, 32, and 53, and 54, the combination of Dehlinger/Cragun fail to teach the limitations of these claims.

Driscoll, however, teaches ‘determining a search word significance value’ as the equation in fig. 2, blocks 425 and 455. Driscoll further teaches ‘a corresponding predetermined word weight’ as each word in both the search query and in the documents are given weighted values (abstract).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the word

significance value of Driscoll would have provided Dehlinger/Cragun's system with determining the importance of each word (fig. 7) for aid in identifying key words (Dehlinger [0007]).

Response to Arguments

Applicant's arguments, see pages 24-28, filed 9/11/2006, with respect to the rejection(s) of claim(s) 1-66 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 USC 103 in view of the references Dehlinger, Cragun, and Driscoll as described above.

Also, according to further consideration, the Examiner kindly submits a new grounds of rejection in view of 35 USC 101 as applied to claims 1-18 and 23-40 as described above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

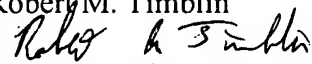
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

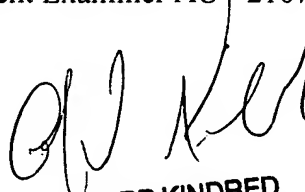
Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/14/2006

Robert M. Timblin


Patent Examiner AU - 2167


ALFORD KINDRED
PRIMARY EXAMINER